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EXECUTIVE ORDER

**DELEGATING CERTAIN AUTHORITY UNDER
THE ATOMIC ENERGY ACT OF 1954, AS AMENDED**

WHEREAS, Section 91c and Sections 144b and 144c of the Atomic Energy Act of 1954, as amended, require determinations by the President that, with respect to Section 91c, proposed cooperation and each proposed transfer arrangement, and with respect to Sections 144b and 144c, proposed cooperation and the proposed communication of the Restricted Data, will promote and will not constitute an unreasonable risk to the common defense and security; and

WHEREAS, in the interest of effective cooperation with other nations and regional defense organizations it is desirable that these determinations be made as promptly as possible and in the light of technical, national security and defense considerations pertaining to the determination; and

WHEREAS, Section 144d of the Atomic Energy Act of 1954, as amended, provides that the President may authorize any agency of the United States to communicate certain Restricted Data in accordance with the terms and conditions of an agreement for cooperation arranged pursuant to Subsection 144a, b., or c. of that Act; and

WHEREAS, the Department of Defense, the Atomic Energy Commission, and the Central Intelligence Agency have expert knowledge and long experience in these matters:

NOW, THEREFORE, by virtue of the authority vested in me by section 301 of title 3 of the United States Code and as President of the United States, it is hereby ordered as follows:

Section 1. There is hereby delegated to the Department of Defense and the Atomic Energy Commission, acting jointly, after consultation with such other agencies as is appropriate, the responsibility for making the determinations required of the President under the provisions of Section 91c and Sections 144b and 144c of the Atomic Energy Act of 1954, as amended, set forth above.

Section 2. In any case where the Department of Defense and the Atomic Energy Commission are unable to agree upon such a joint determination, the proposed determination shall be referred to the President for his decision.

Section 3. The Central Intelligence Agency is hereby authorized, in accordance with the provisions of the Atomic Energy Act of 1954, as amended, and this Executive Order, to communicate for intelligence purposes such Restricted Data as is determined to be transmissible under the agreements for cooperation involved and to prescribe, subject to the security requirements of the Atomic Energy Commission and the Department of Defense, the mechanism for the dissemination for intelligence purposes of the Restricted Data information involved.

Section 4. This Order shall be effective on the date of issuance hereof.

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THE ACTING DIRECTOR

Atomic Energy Act amendments provide for increased exchange of Restricted Data under certain conditions. Section 144d empowers the President to authorize any agency to communicate such Data subject to the restrictions of the Act. AEC and Defense propose an Executive Order delegating to them the determinations required by the Act for their exchange with other nations. The Bureau of the Budget requested our comments. Our proposed response points out that CIA should be authorized by the President to

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exchange Restricted Data for intelligence purposes and to prescribe the mechanism

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therefor and forwards the appropriate redraft
of the Executive Order.

Recommend signature.

[Redacted Signature]

LAWRENCE R. HOUSTON
General Counsel

19 September 1958

(DATE)

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